

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

UNITED STATES OF AMERICA

v.

DAVID C. KERNELL

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**No. 3:08-CR-142
(Phillips)**

MEMORANDUM AND ORDER

This matter is before the court on the defendant's motion for early termination of supervised release [Doc. 239]. In support of the motion, defendant states that he has abided by all rules of his supervision, as well as graduating from the University of Tennessee in May 2013. The government takes no position on defendant's motion.

On November 12, 2010, the defendant was sentenced to 12 months plus one day imprisonment, followed by three years of supervised release. The court has been informed that the probation office has no objections to the early termination of defendant's supervised release.

Defendant moves for early termination of supervised release pursuant to 18 U.S.C. § 3583(e) which provides:

The court may, after considering the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4) (a)(5), (a)(6), and (a)(7) –

(1) terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice.

18 U.S.C. § 3583(e)(1).

After carefully considering the requirements of the statute, the court finds that the relevant portions of 18 U.S.C. § 3553(a) support an early termination of defendant's supervised release. In support of this determination, the court notes that defendant has completed more than one year of his term of supervised release and that defendant is in compliance with the conditions of his release. The court also notes that defendant has recently graduated from the University of Tennessee. Accordingly, because the requirements of 18 U.S.C. § 3583(e)(1) have been satisfied and in light of the lack of objection by the probation officer, the court finds defendant's motion for early termination of supervised release is well-taken, and it is hereby **GRANTED**. The defendant's term of supervised release is **TERMINATED**.

IT IS SO ORDERED.

ENTER:

s/ Thomas W. Phillips
United States District Judge